

CHAPTER 2110
BOARD OF COSMETOLOGIST EXAMINERS
COSMETOLOGY; SCHOOLS

UNREGULATED SERVICES, ADVERTISING, AND INSPECTIONS

- 2110.0010 DEFINITIONS.
- 2110.0100 UNREGULATED SERVICES.
- 2110.0110 ADVERTISING.
- 2110.0125 INSPECTIONS.
- 2110.0190 REINSTATEMENT AFTER SUSPENSION OR REVOCATION.
- 2110.0200 TRANSFER OF LICENSE PROHIBITED.

SCHOOLS AND STUDENTS

- 2110.0310 SCHOOL LICENSURE.
- 2110.0320 MAINTAINING A SCHOOL LICENSE.
- 2110.0330 SCHOOL LICENSE RENEWAL.
- 2110.0360 DUPLICATE LICENSE.
- 2110.0380 FACILITIES REQUIREMENTS FOR LICENSURE.
- 2110.0390 PHYSICAL REQUIREMENTS.
- 2110.0400 FIXTURES, FURNITURE, EQUIPMENT.
- 2110.0410 SUPPLIES AND MATERIALS.
- 2110.0430 INTOXICANTS AND CONTROLLED SUBSTANCES.

SCHOOL CURRICULA

- 2110.0500 CURRICULUM APPROVAL AND CONTENT.
- 2110.0510 COSMETOLOGIST TRAINING.
- 2110.0520 ESTHETICIAN TRAINING.
- 2110.0530 NAIL TECHNICIAN TRAINING.
- 2110.0545 SKILLS COURSES.
- 2110.0550 CREDIT TOWARD ANOTHER LICENSE.

OPERATIONAL REQUIREMENTS FOR SCHOOLS

- 2110.0600 RESPONSIBILITY.
- 2110.0610 SCHOOL IDENTIFICATION.
- 2110.0625 DESIGNATED SCHOOL MANAGER.
- 2110.0630 INSTRUCTORS.
- 2110.0640 ENROLLMENT CONTRACTS.
- 2110.0650 REFUND POLICY.
- 2110.0660 STUDENT REGULATIONS.
- 2110.0670 STUDENT RECORDS.
- 2110.0680 CERTIFICATION OF STUDENT HOURS.
- 2110.0690 STUDENT DEADLINE TO BECOME LICENSED.
- 2110.0705 TRANSFER STUDENTS.
- 2110.0710 FULL COURSE OF INSTRUCTION.

- 2110.0720 DISPLAY OF LICENSES.
- 2110.0730 PREENROLLMENT DISCLOSURES.
- 2110.0740 SCHOOL CLINICS.
- 2110.0750 PENALTIES.

WAIVERS

- 2110.0820 REQUEST FOR WAIVER.

UNREGULATED SERVICES, ADVERTISING, AND INSPECTIONS

2110.0010 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of this chapter, the terms defined in this part have the meanings given them, unless their context clearly requires otherwise.

Subp. 2. **Accommodate or to be accommodated.** "Accommodate" or "to be accommodated" means the maximum number of students present on the school premises at any one time and for which the school has the required physical and program resources. In most cases this will be the maximum number of students.

Subp. 3. [Repealed, 41 SR 305]

Subp. 4. **Advertising.** "Advertising" means any written or graphic representation designed to elicit enrollment or the sale of goods or services and includes signs, displays, circulars, business cards, brochures, and recruitment materials; in print, on air, or online.

Subp. 5. [Repealed, 41 SR 305]

Subp. 6. [Repealed, 41 SR 305]

Subp. 7. **Board.** "Board" means the Board of Cosmetologist Examiners.

Subp. 8. **Clean.** "Clean" means free from all soil, dirt, and debris, and washed with soap and water or a cleaning agent, and then rinsed.

Subp. 9. **Clinic.** "Clinic" means the portion of a cosmetology school where cosmetology services performed by students are offered to the public for compensation.

Subp. 10. [Repealed, 41 SR 305]

Subp. 11. [Repealed, 41 SR 305]

Subp. 12. **Compensation.** "Compensation" means a monetary or nonmonetary remuneration for services.

Subp. 13. [Repealed, 41 SR 305]

Subp. 13a. **Disinfect.** "Disinfect" means the use of an antimicrobial pesticide that eliminates harmful bacteria, fungi, and viruses on nonporous surfaces.

Subp. 13b. **Disinfectant.** "Disinfectant" means an antimicrobial pesticide that is registered with the Environmental Protection Agency (EPA) for use in a hospital setting and is a bactericide, virucide, and fungicide.

Subp. 14. **Dispensary.** "Dispensary" means a physical location or area in a salon or school where products, chemicals, and disinfectants are prepared, measured, mixed, portioned, or disposed of, and where tools and implements are cleaned and disinfected.

Subp. 15. **Documentation.** "Documentation" means a signed, notarized statement attesting the truth of the facts stated in it.

Subp. 16. **Evidence.** "Evidence" means written proof.

Subp. 17. **Good repair.** "Good repair" means that an item is clean, with no holes, frayed wires, or tears in coverings, and fully operational for the purpose intended.

Subp. 17a. **Hair braiding.** "Hair braiding" means a natural form of hair manipulation that results in tension on hair strands by beading, braiding, cornrowing, extending, lacing, locking, sewing, twisting, weaving, or wrapping human hair, natural fibers, synthetic fibers, and/or hair extensions into a variety of shapes, patterns, and textures (predominantly by hand and/or by simple braiding devices), and maintenance thereof. Hair braiding includes what is commonly known as "African-style hair braiding" or "natural hair care" but is not limited to any particular cultural, ethnic, racial, or religious forms of hair styles. Hair braiding includes the making of customized wigs from natural hair, natural fibers, synthetic fibers, and/or hair extensions. Hair braiding includes the use of topical agents such as conditioners, gels, moisturizers, oils, pomades, and shampoos. Hair braiding does not involve the use of penetrating chemical hair treatments, chemical hair coloring agents, chemical hair straightening agents, chemical hair joining agents, permanent wave styles, or chemical hair bleaching agents applied to growing human hair.

Subp. 17b. **Hair braiding services.** "Hair braiding services" means offering to perform or performing hair braiding, as defined in subpart 17a, as a service to members of the public for a fee or other consideration.

Subp. 17c. **Hair braider.** "Hair braider" means a person who offers to perform or performs hair braiding or hair braiding services as defined in subparts 17a and 17b.

Subp. 17d. **Hazardous.** "Hazardous" means a hazardous substance or harmful physical agent as defined under part 5206.1500, subpart 6, or any substance defined as hazardous in Code of Federal Regulations, title 29, part 1910.1200.

Subp. 17e. **Homebound.** "Homebound" means an individual lacks the physical or intellectual capacity for independent transportation, and is unable to travel independently to a licensed salon.

Subp. 18. **Licensed services.** "Licensed services" means those services defined as the practice of cosmetology under Minnesota Statutes, section 155A.23, subdivision 3, and includes services provided by cosmetologists, estheticians, and nail technicians. The definition of "cosmetology" in Minnesota Statutes, section 155A.23, subdivision 3, must be construed to not prohibit or regulate hair braiding, hair braiding services, and hair braiders, as defined in subparts 17a to 17c.

Subp. 18a. **Operator.** "Operator" means a standard license for a cosmetologist, esthetician, or nail technician license and not an advanced practice or manager license.

Subp. 18b. **Porous material.** "Porous material" means a material that absorbs liquid or allows liquid to penetrate.

Subp. 18c. **Simple braiding devices.** "Simple braiding devices" include clips, combs, curlers, curling irons, hairpins, rollers, scissors, needles, and thread.

Subp. 19. [Repealed, 41 SR 305]

Subp. 20. **Unregulated service.** "Unregulated service" means those services not defined as the practice of cosmetology under Minnesota Statutes, section 155A.23, subdivision 3, and which are exempt from regulation by the board. Unregulated services are ear piercing, body art, body painting, henna

tattoos and permanent tattoos, eyebrow embroidery, eyebrow microblading, permanent hair removal, and permanent makeup; tanning by UV radiation and spray tanning units; injectables; services for theatrical, television, film, fashion, photography, or media productions; media appearances; mortuary services; massage; body wraps when performed by a massage therapist; and hair braiding, hair braiding services, and hair braiders, as defined in subparts 17a to 17c; and threading as defined in Minnesota Statutes, section 155A.23, subdivision 13. Ordinances by local units of government that prohibit hair braiding, hair braiding services, or hair braiders, as defined in subparts 17a to 17c, or regulate any matter relating to licensing, testing, or training of hair braiding, hair braiding services, or hair braiders are preempted by this part.

Statutory Authority: *MS s 45.023; 154.22; 154.24; 154.45; 154.47; 154.48; 155A.05; 155A.08; 155A.09; 155A.23; 155A.26; 155A.27; 155A.29; 155A.30; L 2014 c 169 s 4*

History: *L 1983 c 289 s 114 subd 1; L 1984 c 655 art 1 s 92; 10 SR 474; 11 SR 389; 13 SR 1056; 22 SR 594; L 2005 c 27 s 9; 30 SR 1248; L 2009 c 78 art 6 s 26; L 2013 c 85 art 5 s 49; 39 SR 393; 41 SR 305*

Published Electronically: *September 13, 2016*

2110.0100 UNREGULATED SERVICES.

Subpart 1. **Disclosure.** All unregulated services identified in part 2110.0010, subpart 20, offered within a school clinic shall be clearly identified as "unregulated services" and listed on a sign conspicuously posted in the reception area. The sign shall contain lettering at least one inch high and shall state: "Unregulated services. The following services offered by (school name) are not regulated by the state of Minnesota:

_____ "

Subp. 2. **Disclosure of courses.** Each school shall clearly identify those courses and clinical experiences in its curriculum which are not required by the department and which pertain to services not licensed by the state. These courses shall be clearly identified in all recruitment advertising and written material used for the purposes of soliciting prospective students.

Nonrequired courses and unregulated services shall be conspicuously identified in all written material, in type of the same size as the course or service name.

No more than one percent of the total instructional time and clinical experience in unregulated services shall be included in the minimum hours of schooling required for licensure.

Statutory Authority: *MS s 45.023; 154.22; 154.24; 154.45; 154.47; 154.48; 155A.05; 155A.08; 155A.09; 155A.26; 155A.29; 155A.30; L 2014 c 169 s 4*

History: *11 SR 389; 13 SR 1056; 22 SR 594; L 2005 c 27 s 9; 30 SR 1248; L 2009 c 78 art 6 s 26; 39 SR 393*

Published Electronically: *October 2, 2014*

2110.0110 ADVERTISING.

The following provisions govern all advertising relating to the education, licensing, or practice of cosmetology:

- A. All advertising and business signage must state the school name as shown on the school license.
- B. Advertisements must not state or imply favorable consideration by the Board of Cosmetologist Examiners other than to state that the school is licensed by the board.
- C. A school advertisement of cosmetology services must clearly and conspicuously state that all services are performed by students.
- D. Each school must maintain copies of all advertisements for clinic services for three years, available to the board at its request.

Statutory Authority: *MS s 45.023; 154.45; 154.47; 154.48; 155A.05; 155A.08; 155A.09; 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *L 1983 c 289 s 114 subd 1; L 1984 c 655 art 1 s 92; 10 SR 474; 13 SR 1056; 22 SR 594; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26; 41 SR 305*

Published Electronically: *September 13, 2016*

2110.0120 [Repealed, 41 SR 305]

Published Electronically: *September 13, 2016*

2110.0125 INSPECTIONS.

Subpart 1. **Protocol.**

A. Each school is subject to inspection at any time the board deems it necessary to affirm compliance. All school staff, including the owner, designated school manager (DSM), instructors, and unlicensed support staff must cooperate with the inspection. The school must allow a board inspector to inspect the school on the inspector's arrival at the school.

B. Board inspectors must carry board-issued photo identification.

Subp. 2. **Violations and orders to comply.**

A. The board must notify schools with a written inspection report when any violation is found during a board inspection. The school licensee and the DSM must take immediate action to address each violation and within ten business days bring the school and all licensees into compliance with this chapter, chapter 2105, and Minnesota Statutes, chapter 155A.

B. If an order to comply is issued by the board inspector, the school and the DSM must report to the board via mail or e-mail within ten business days of the order's issuance using a form provided by the board. The report must:

- (1) explain how each violation was corrected and the date of correction; and
- (2) for each violation that was not immediately corrected or not corrected within ten days, provide a written explanation of the reasons for the delay, the specific steps the licensee will take to correct the violation, and the projected date the outstanding violation will be corrected. The board shall grant extensions requested in writing when the health and safety of the students and the public is not at immediate risk, and when the delay is warranted based on the information provided by the school.

Subp. 3. **Posting inspection results.** The board must provide each school with the inspection results and a detailed inspection report on the inspection findings. Within ten business days of the issuance date on the results and report, the school and DSM must conspicuously post the inspection results in the entryway to the school clinic or at the reception desk and place the detailed inspection report in the reception area. The inspection results and inspection report must be visibly available in the reception area of the school for the public's review. The inspection results must remain posted and the inspection results must remain available in the reception area until replaced by new inspection results and a new detailed inspection report.

Subp. 4. **Inspection penalties and discipline.**

A. Violations of Minnesota Statutes, chapter 155A, and violations of this chapter and chapter 2105, including those listed in item B, cited on a board inspection are subject to:

- (1) application of penalties prescribed in Minnesota Statutes, section 155A.25; and
- (2) disciplinary action as identified in Minnesota Statutes, section 155A.33.

B. Board staff must issue penalties prescribed in Minnesota Statutes, section 155A.25, for violations in subitems (1) to (3) cited during a board inspection of a school except as provided for in subpart 5. Licensees must pay penalties in full before any license is renewed or issued.

- (1) A school is subject to penalty for violations cited during an inspection for:
 - (a) each expired instructor license;
 - (b) an expired DSM license;
 - (c) an expired school license;
 - (d) each current license of an instructor, designated school manager, or school not conspicuously displayed;
 - (e) reuse of or failure to dispose of single-use items immediately after use;
 - (f) the presence of prohibited razor-type callus shavers, graters, or rasps; or
 - (g) refusal or failure to cooperate with an inspection.
- (2) A DSM is subject to penalty for violations cited during a school inspection for:
 - (a) each instructor with an expired license;
 - (b) an expired DSM license
 - (c) an expired school license;
 - (d) each current license of an instructor, designated school manager, or school not conspicuously displayed;
 - (e) reuse of or failure to dispose of single-use items immediately after use;
 - (f) the presence of prohibited razor-type callus shavers, graters, or rasps; or
 - (g) the DSM's refusal or failure to cooperate with an inspection.
- (3) An instructor is subject to penalty for violations cited during a school inspection for:
 - (a) an expired instructor's license;
 - (b) the instructor's current license not conspicuously displayed;
 - (c) reuse of or failure to dispose of single-use items immediately after use;

- (d) the presence of prohibited razor-type callus shavers, graters, or rasps; or
- (e) the instructor's refusal or failure to cooperate with an inspection.

Subp. 5. **Application of inspection penalties.** The maximum total inspection penalties per license per inspection must not exceed:

- A. \$3,000 for the school license;
- B. \$2,000 for the designated school manager; and
- C. \$1,000 for each instructor.

Statutory Authority: *MS s 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *41 SR 305*

Published Electronically: *September 13, 2016*

2110.0130 [Repealed, 41 SR 305]

Published Electronically: *September 13, 2016*

2110.0140 [Repealed, 41 SR 305]

Published Electronically: *September 13, 2016*

2110.0150 [Repealed, 41 SR 305]

Published Electronically: *September 13, 2016*

2110.0190 REINSTATEMENT AFTER SUSPENSION OR REVOCATION.

A school with a license that was suspended or revoked by the board under Minnesota Statutes, chapter 155A, must apply for relicensure as follows:

- A. apply for relicensure on forms provided by the board;
- B. meet the requirements for reinstatement identified in the order revoking or suspending the license, and meet any requirements for renewing a license under this chapter as if the license had not been revoked or suspended but had expired from the date of revocation or suspension; and
- C. pay the fees required of a new applicant in Minnesota Statutes, section 155A.25.

Statutory Authority: *MS s 45.023; 154.45; 154.47; 154.48; 155A.05; 155A.08; 155A.09; 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *10 SR 474; 11 SR 389; 13 SR 1056; 22 SR 594; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26; 41 SR 305*

Published Electronically: *September 13, 2016*

2110.0200 TRANSFER OF LICENSE PROHIBITED.

School licenses are not transferable to another school and must be used only by the named licensee at the location listed on the license.

Statutory Authority: *MS s 154.45; 155A.05; 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *13 SR 1056; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26; 41 SR 305*

Published Electronically: *September 13, 2016*

SCHOOLS AND STUDENTS

2110.0300 [Repealed, 41 SR 305]

Published Electronically: *September 13, 2016*

2110.0310 SCHOOL LICENSURE.

Subpart 1. **Application contents.** An applicant for a cosmetology school must apply on forms supplied by the board, giving the following information:

A. the school name and the legal name of the school and its owners, and the physical address, telephone number, e-mail address, and Web site;

B. the names, postal addresses and e-mail addresses, and telephone numbers of all owners of sole proprietorships or partnerships and controlling officers of corporations;

C. notarized signatures of the owners of sole proprietorships or partnerships, controlling officers of corporations, and the designated school manager;

D. an active Certificate of Assumed Name from the secretary of state if the school is doing business under a name different than the full legal name of the owner;

E. an active Certificate of Organization from the secretary of state, except for sole proprietorships and general partnerships;

F. a Social Security number for a sole proprietor, and a state tax identification number for all other businesses;

G. current Certificate of Insurance of professional liability insurance of at least \$150,000 for each policy year for the school, its employees, and students;

H. current Certificate of Workers' Compensation Insurance;

I. documentation of a continuous corporate surety bond as required in Minnesota Statutes, section 155A.30, subdivision 5;

J. the days of the week and the hours which the school will be open and the school's projected opening date;

K. a statement attesting to the school's compliance with applicable building codes, the Minnesota State Fire Code, and applicable OSHA requirements;

L. the name, license number, and notarized signature of the DSM accepting the responsibilities of the DSM;

M. a roster of all instructors, including license number, type of license, designation of employment status (full-time or part-time) and days of the week and hours scheduled for instruction;

N. a diagram of the school drawn to scale, providing the dimensions of the school as a whole and designating the size and location of all entrances and exits, and the location and dimensions of all required areas and facilities;

O. a complete inventory of facilities and equipment supportive of instructional and clinical operations, as required by this chapter;

P. a proposed schedule of all courses to be offered in the first year, including start dates and completion dates for each course. If concurrent courses are to be offered, the school must demonstrate it has available classroom and clinical space as well as instructors for each course;

Q. the maximum number of students the school will be able to accommodate for each course scheduled the first year;

R. for each course offered:

(1) the course name and anticipated first offering date;

(2) a detailed outline of the course, including a daily lesson plan, designating the preclinical and clinical curriculum, and including:

(a) topics of the units of instruction;

(b) for each unit, identifying the hours devoted to the unit and designating the hours as theory, preclinic, or clinic hours;

(c) for each unit, identifying the unit prerequisites necessary for a student to have completed prior to beginning the unit;

(d) for each unit, identifying the textbook and supplementary instructional resources; and

(e) an indication of whether or not the school's instructors will use the instructor's manual associated with the textbook curriculum;

(3) textbook and supportive materials; and

(4) classroom and clinical space to be used;

S. copies of all financial aid and refund policies;

T. copies of all student rules, disciplinary policies, and student handbook;

U. a copy of the standard enrollment contract;

V. copies of all written material used to solicit prospective students, including but not limited to tuition, refund, and fee schedules, catalogs, brochures, and all recruitment advertisements; and

W. a current balance sheet, income statement, and pro forma income and cash flow projections for the first three years of operation. The applicant must establish sufficient financial worth to conduct a school and to meet its financial obligations.

Subp. 2. **Payment of fee.** The applicant must pay the fees required in Minnesota Statutes, section 155A.25.

Subp. 3. **License cycle.** School licenses are issued for three years, and begin on the issuance date and end three years later on the last day of the issuance month.

Statutory Authority: *MS s 14.388; 45.023; 154.45; 155A.05; 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *11 SR 389; 13 SR 1056; L 1993 c 204 s 28; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26; 38 SR 778; 41 SR 305*

Published Electronically: *September 13, 2016*

2110.0320 MAINTAINING A SCHOOL LICENSE.

Subpart 1. **Scope.** The requirements of this part apply to all cosmetology schools.

Subp. 2. [Repealed, 41 SR 305]

Subp. 3. [Repealed, 41 SR 305]

Subp. 4. **Change of name.** The school owner or school manager must inform the board, in writing, of a name change within 60 days of the effective date of the change, provide legal documentation of the name change, and pay the fees required in Minnesota Statutes, section 155A.25. A license must be issued in the new name for the remaining term of the old license, which must be returned to the board upon receipt of the license in the new name.

Subp. 5. **Change of location.** A school license must not be transferred when the school moves to a new location. The school owner has 30 days after a move to apply for and receive a new school license in accordance with part 2110.0310. If a new license has not been issued by day 31, the school must cease operations until a license is issued.

Subp. 6. **Change of owner.** A school license must not be transferred when the school is sold, including when a corporation owning the school is sold. The new school owner must apply for a school license at least 30 days before the effective date of the change. If a new license has not been issued by day 31, the school must cease operations until a license is issued.

Subp. 7. **Change of business structure.** A school license must not be transferred when the business structure of the owner is changed. The school owner has 60 days after a change in business structure to apply for and receive a new school license according to part 2110.0310. If a new license has not been issued by day 61, the school must cease operations until a license is issued.

Subp. 8. **Change of designated school manager.** Within ten days of the departure or resignation of the designated school manager (DSM), the school owner must:

- A. appoint a licensed instructor or licensed school manager as acting DSM; and
- B. notify the board by e-mail of the last day of the DSM's employment, and the name and license number of a licensed instructor appointed as the acting school manager. The school has 30 days from the departure to register a new DSM with the board by submitting a DSM change form.

Subp. 9. **Change of instructors.** The DSM must notify the board by e-mail within ten days of the employment start or end date of a change in instructors, citing the instructor's name, license number, and effective date of the hiring or termination of employment. The school must be in compliance with the requirements of part 2110.0630.

Subp. 10. **Change or addition of courses and curriculum.**

- A. A school planning to discontinue any course offering must notify the board via e-mail.

B. A school planning to add a new course offering or a change to the curriculum for a currently approved course must apply for and receive board approval prior to offering the new or changed course. Application must include:

- (1) the course name and anticipated first offering date; and
- (2) a detailed outline of the course or lesson plan, including:
 - (a) topics of the units of instruction;
 - (b) for each unit, identifying the hours devoted to the unit and designating the hours as theory, preclinic, or clinic hours;
 - (c) for each unit, identifying the unit prerequisites necessary for a student to have completed prior to beginning the unit;
 - (d) for each unit, identifying the textbook and supplementary instructional resources; and
 - (e) an indication of whether or not the school's instructors will use the instructor's manual associated with the textbook curriculum.

Subp. 11. **Change or addition of textbooks.** A school planning to change the textbooks for a course must apply for approval on a form provided by the board prior to implementing a new textbook.

Subp. 12. **Change or remodeling of school physical plant.** The school must report to the board via e-mail any planned changes to the layout or physical structure of the school which require a building permit at least 30 days prior to the change. In the event of emergency repairs to the physical plant, the school must notify the board of any resulting changes within 30 days.

Subp. 13. **Location of training.**

A. Instruction must take place within a licensed school building except as provided in item B and part 2110.0500.

B. Schools may offer online board-approved theory-based classes. Practice-based classes must not be offered online.

Subp. 14. **License.** A cosmetology school must not operate without a current and conspicuously displayed school license.

Subp. 15. **Insurance.** A school must maintain current professional liability insurance of at least \$150,000 for each policy year, must maintain a current Certificate of Workers' Compensation Insurance, and must maintain a corporate surety bond of \$10,000 running to the state.

Subp. 16. **Separation of school from any salon.** Any cosmetology, esthetician, or nail salon must be operated as a separate and distinct business and the salon must be completely separated physically from the school.

Statutory Authority: *MS s 154.45; 155A.05; 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *11 SR 389; 13 SR 1056; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26; 41 SR 305*

Published Electronically: *September 13, 2016*

2110.0330 SCHOOL LICENSE RENEWAL.

Subpart 1. **Requirements.** The requirements of subparts 3 to 6 must be met in order to renew a school license.

Subp. 2. **School license expiration and renewal.**

A. School licenses expire on the last day of the month of initial licensure of the year due and each school owner and designated school manager (DSM) is responsible for renewing the school's license.

B. The school must submit a complete renewal application at least 30 days prior to the expiration date to ensure that a renewed license is issued before the expiration date. Not receiving a notice of renewal from the board does not constitute a valid excuse for not renewing the license.

Subp. 3. **School continuation of insurance and surety bond.** The school licensee must provide evidence of continued professional liability insurance coverage of at least \$150,000 as required by part 2110.0310, subpart 1, item G, and evidence of continued workers' compensation insurance in compliance with Minnesota Statutes, section 176.182, by providing Certificates of Insurance for both policies, and a current corporate surety bond as specified under part 2110.0310, item I.

Subp. 4. **School licensee roster.** The school licensee must provide a current and complete roster of the DSM and instructional staff, including license numbers and expiration dates, employment status, and days and hours scheduled to work.

Subp. 5. **Course offerings.** The school licensee must provide a list of courses offered and an anticipated course schedule for the next 12 months with the current and projected enrollment listed for each course scheduled. The school licensee must submit a copy of the board's approval letter for the curriculum with a statement attesting that the curriculum has not changed since the approval date, or submit the items required for new or changed curriculums in part 2110.0320, subpart 10, item B. If concurrent courses are to be offered, the school must demonstrate it has available instructors and classroom and clinical space for each course.

Subp. 6. **Fees.** The school licensee must pay the fees required in Minnesota Statutes, section 155A.25.

Subp. 7. **Failure to renew before license expiration date.**

A. Late fees required by Minnesota Statutes, section 155A.25, apply if the complete renewal application is received after the expiration date of the license.

B. If a renewed school license has not been issued by the expiration date, the school is considered delinquent. The school licensee and DSM are subject to inspection fines detailed in part 2110.0125, and penalties as described in Minnesota Statutes, section 155A.22.

C. If a complete renewal application is not received by the board within 30 days after the license expiration date, the school license is not eligible for renewal, and the school must reapply for a school license as a new applicant.

D. The board must not accept or recognize student hours earned on or after the 31st day of the school's license expiration.

Statutory Authority: *MS s 14.388; 45.023; 154.45; 154.47; 154.48; 155A.05; 155A.08; 155A.09; 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *11 SR 389; 13 SR 1056; 22 SR 594; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26; 38 SR 778; 41 SR 305*

Published Electronically: *September 13, 2016*

2110.0340 [Repealed, 41 SR 305]

Published Electronically: *September 13, 2016*

2110.0360 DUPLICATE LICENSE.

A duplicate school license will be issued only upon the loss or destruction of the initial license. The licensee shall submit to the board an affidavit indicating why a duplicate license is required, and submit the required fee.

Statutory Authority: *MS s 45.023; 154.45; 154.47; 154.48; 155A.05; 155A.08; 155A.09; 155A.26; 155A.29; 155A.30*

History: *11 SR 389; 13 SR 1056; 22 SR 594; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26*

Published Electronically: *August 20, 2009*

2110.0370 [Repealed, 41 SR 305]

Published Electronically: *September 13, 2016*

2110.0380 FACILITIES REQUIREMENTS FOR LICENSURE.

In addition to the requirements of part 2110.0310, the requirements contained in parts 2110.0390 to 2110.0600 must be met by the school before a license will be issued. Compliance with these requirements must be confirmed by an inspection by the board. The license must be issued after a satisfactory initial inspection.

Statutory Authority: *MS s 45.023; 154.45; 154.47; 154.48; 155A.05; 155A.08; 155A.09; 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *11 SR 389; 13 SR 1056; 22 SR 594; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26; 41 SR 305*

Published Electronically: *September 13, 2016*

2110.0390 PHYSICAL REQUIREMENTS.

Subpart 1. **Space.**

A. The school must have a combined clinic and classroom size of at least 25 square feet for each student to be accommodated. Office space, storage areas, break rooms, and restrooms are not clinic or classroom space.

B. The school classrooms must have chairs and table work space for the maximum number of students scheduled for class at any one time.

- C. The school must have a furnished student break room of at least 120 contiguous square feet.
- D. The school must meet applicable building codes, fire codes, and zoning codes as determined by local zoning and building officials and the state fire marshal.
- E. The school, or any part of the school, must not be used for any residential purpose.

Subp. 2. **Walls and ceilings.** All walls, ceilings, ceiling fans, light fixtures, vents, and other fixtures must be kept clean and free from dust and dirt, and in good repair at all times.

Subp. 2a. **Floors.** All floors must be kept clean and free from hair, nails, skin, wax, liquids, and other debris at all times and be in good repair, free from crevices, cracks, holes, or tears which could collect dirt or debris. Carpet is not an acceptable floor covering in clinic areas where services are provided, unless the school's most recent application for licensure was prior to January 2017.

Subp. 3. **Electrical requirements.** The school's electrical infrastructure must comply with safety standards under Minnesota Statutes, section 326B.35. The school's use of electrical equipment and appliances must comply with the State Fire Code adopted according to Minnesota Statutes, chapter 299F.

A. Outlets must not have more than two appliances or items plugged in unless a UL listed power strip is used.

B. Power strips must have a circuit breaker and be plugged into an outlet and not into another power strip.

C. Extension cords must be plugged into an outlet and not into another cord, and may be used only for portable appliances according to the appliance's directions.

D. Each classroom must be clearly lit and shall have at least two electrical outlets. Use of extension cords shall not be an acceptable means of meeting this requirement.

Subp. 3a. **Dispensary.** Each school must have a dispensary area used to mix chemicals, mix disinfecting solutions, disinfect tools and implements, and to store hazardous supplies. The dispensary must have a clean waste receptacle emptied daily.

A. The dispensary must be equipped with a sink, single-use towels, liquid or foam hand soap, and a work surface area sufficient to disinfect the school's tools and implements. A shampoo bowl is not an acceptable sink for this purpose.

B. The school must ensure that all hazardous substances are inaccessible to the public by prohibiting public access to the dispensary or through the use of closed cabinets, and must ensure that a school employee is present whenever hazardous substances are temporarily available to the public.

Subp. 4. **Restrooms.**

A. Each school must have restrooms available in the school, or in an adjacent common area.

B. Restrooms must have a sink, toilet, liquid or foam soap, single-service towels, and a clean waste receptacle emptied daily.

C. Any hazardous cleaning agents, chemicals, or substances located in the restroom must be kept in locked cabinets not accessible to the public.

Subp. 5. **Ventilation.** School ventilation must comply with applicable building codes, local ordinances, the State Fire Code, and state and federal OSHA requirements. If a school does not have an exhaust system, the heating, ventilation, and air conditioning (HVAC) thermostat fan switch must always be on during school hours.

Subp. 6. **Safety items.**

A. Each school clinic must have at least one readily accessible fire extinguisher that complies with and is maintained annually according to the State Fire Code requirements. All employees must be instructed in the location and use of the fire extinguisher.

B. Each school clinic must maintain a readily accessible first aid kit meeting National Standard ANSI Z308.1-2015, or the most recent version of the standard.

C. Each school clinic must have readily accessible safety data sheets (SDS) for each product used in the clinic containing hazardous substances as identified in Code of Federal Regulations, title 29, section 1910.1200, available to all school personnel at all times.

D. The school must inform all employees and students of the potential health effects of the hazardous products and chemicals used in the school clinic and the location of the SDS data.

E. The school must inform all employees and students of the measures each must take to protect themselves from the hazardous products and chemicals, including specific procedures the school has implemented to protect employees and students from exposure. The procedures must include best clinic practices, emergency procedures, and personal protective equipment to be used.

Statutory Authority: *MS s 45.023; 154.45; 154.47; 154.48; 155A.05; 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *11 SR 389; 13 SR 1056; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26; 41 SR 305*

Published Electronically: *September 13, 2016*

2110.0400 FIXTURES, FURNITURE, EQUIPMENT.

A school must meet the following requirements:

- A. one work station with chair, storage, and mirror for each student assigned to the clinic floor;
- B. at least one standard or hand-held blow hair dryer, clean, in good repair, and operational, for each six work stations;
- C. at least one facial chair, clean and in good repair, for each ten students. This may be a work station chair with a reclining back and attachable headrest;
- D. at least one manicure table, clean and in good repair, for each ten students;
- E. at least one skin care machine or models or diagrams sufficiently detailed to allow instruction in their use and operation;
- F. a time clock or other reliable method of recording time to be used by the students when checking in and out of school and in and out of lunch;
- G. at least one shampoo bowl for each six hair stations. All shampoos must be given in a shampoo bowl that has plumbing that includes hot and cold water;
- H. locker space available for students requesting it; and
- I. all furniture and fixtures in the school clinic must have washable finishes or coverings, be clean, and be in good repair.

Statutory Authority: *MS s 45.023; 154.45; 154.47; 154.48; 155A.05; 155A.08; 155A.09; 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *11 SR 389; 13 SR 1056; 22 SR 594; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26; 41 SR 305*

Published Electronically: *September 13, 2016*

2110.0410 SUPPLIES AND MATERIALS.

Subpart 1. **Basic supplies.** The school must provide the following:

A. a beginning professional kit for each student, containing the implements and the majority of equipment required for the course of training for which the student has enrolled. The cost shall be clearly indicated to the student prior to enrollment, even if it is included in the basic tuition fee;

B. all supplies and materials necessary to perform all clinical services and classroom exercises, at no additional cost to the student; and

C. at least one mannequin with hair for each cosmetology student, and one mannequin without hair for each esthetician student.

Subp. 2. **Towels and linens.** A minimum of one dozen clean towels per student on the clinic floor must be maintained in good repair and available to students.

Subp. 3. **Instructional materials.** A copy of all textbooks to be used in the course; a copy of this chapter and chapter 2105; a copy of Minnesota Statutes, chapter 155A; and copies of all other necessary instructional materials must be provided to each student. The laws and rules, workbooks, and textbooks become the property of the student. The cost of these materials shall be clearly indicated to the student in the enrollment contract, unless the cost is included in the tuition fee.

Subp. 4. [Repealed, 41 SR 305]

Subp. 5. **Reference materials.** Reference materials must be centrally located and available to all students, including:

A. an American language dictionary;

B. charts for basic anatomy of hair, skin, and nails;

C. trade magazines and publications;

D. a current copy of this chapter, chapter 2105, and Minnesota Statutes, chapter 155A, pertaining to the regulation of the practice of cosmetology; and

E. copies of other related statutes and rules.

Statutory Authority: *MS s 45.023; 154.45; 154.47; 154.48; 155A.05; 155A.08; 155A.09; 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *11 SR 389; 13 SR 1056; 22 SR 594; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26; 41 SR 305*

Published Electronically: *September 13, 2016*

2110.0420 [Repealed, 41 SR 305]

Published Electronically: *September 13, 2016*

2110.0430 INTOXICANTS AND CONTROLLED SUBSTANCES.

Students and licensees are prohibited from school premises while consuming or under the influence of an intoxicant or controlled substance.

Statutory Authority: *MS s 154.45; 155A.05; 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *13 SR 1056; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26; 41 SR 305*

Published Electronically: *September 13, 2016*

SCHOOL CURRICULA**2110.0500 CURRICULUM APPROVAL AND CONTENT.**

Subpart 1. **Curriculum approval.** Cosmetology schools must have a board-approved curriculum divided into daily lesson plans. The curriculum must include theory and practical application of skills, including the instruction set forth in parts 2110.0510 to 2110.0530.

Subp. 2. **Field trips and extracurricular activities.** Schools may offer field trips and extracurricular activities related to the course curriculum for industry educational purposes when students are accompanied by instructors, for a maximum of one percent of the total training hours required for cosmetologists, estheticians, or nail technicians.

Subp. 3. **Guest presenters.** Guest presenters may be used by a school when accompanied by the regular course instructor as long as the guest presenters are limited to one percent of the total curriculum time. If the regular course instructor is not in attendance when a guest presenter is present, the limitations of part 2110.0630 apply unless the guest presenter holds a current instructor license.

Subp. 4. **Unregulated services.** No more than one percent of the total curriculum time may be dedicated to teaching unregulated services.

Statutory Authority: *MS s 154.22; 154.24; 154.45; 155A.05; 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *11 SR 389; 13 SR 1056; L 2005 c 27 s 9; 30 SR 1248; L 2009 c 78 art 6 s 26; 41 SR 305*

Published Electronically: *September 13, 2016*

2110.0510 COSMETOLOGIST TRAINING.

A. Cosmetologist training must consist of at least 1,550 hours of coursework and include the full nail technician course content, the full esthetician course content, and the balance in hair services.

B. The cosmetology course must include instruction in applied science and skills in shampooing, scalp and hair conditioning, hair design and shaping, chemical hair control, hair coloring, hair styling, skin care and facials, makeup, waxing, and manicuring and nail care of 1,130 hours and instruction in related theory and sciences of 420 hours.

C. The first 240 hours of the cosmetology course must consist of preclinical instruction in the theory of sciences of anatomy, dermatology, trichology, manicuring, and chemistry as related to cosmetology; electricity and light; infection control; safety procedures related to the practice of cosmetology; and Minnesota Statutes and rules which pertain to the regulation of the practice of cosmetology; student orientation; and elementary service skills. Elementary service skills must be limited

to the observation of an instructor demonstration or student-to-student application of basic services related to cosmetology.

D. The cosmetology course must also include planned clinical instruction and experience in the applied sciences. Each student is required to complete the following minimum number of clinical exercises in column II. Clinical exercises may be performed upon customers in the school clinic, fellow students, models, or mannequins in the classroom.

	Column I Hours	Column II Service Exercises
(1) shampooing	50	300
(2) scalp and hair conditioning	80	150
(3) hair design shaping	150	75
(4) chemical hair control (including 6 chemical relaxing exercises)	200	60
(5) hair coloring	100	50
(6) hair styling	200	300
(7) facials, makeup, and waxes (including 60 facials, 40 makeup applications, 20 facial waxes, and 20 body waxes with one-half of all waxes being soft and one-half of all waxes being hard)	200	140
(8) manicures (including 10 applications of artificial nails, of which 3 are sculptured on the nail)	150	50
skill hours	1130	
related theory and lecture	420	
total	1550	

E. Documentation of the student's completion of the required quotas in each category in item D must be sent to the board with the documentation of successful completion of the entire course of training.

F. There must be instruction in business practices and in the Minnesota laws regulating those practices and labor relations.

Statutory Authority: *MS s 45.023; 154.45; 154.47; 154.48; 155A.05; 155A.08; 155A.09; 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *11 SR 389; 13 SR 1056; 22 SR 594; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26; L 2013 c 85 art 5 s 49; L 2015 c 77 art 2 s 87; 41 SR 305*

Published Electronically: *September 13, 2016*

2110.0520 ESTHETICIAN TRAINING.

- A. Esthetician training must consist of a course of training of at least 600 hours.
- B. The first 120 hours must be preclinical instruction in the theory of sciences of anatomy, dermatology, and chemistry as related to skin care; electricity and light; infection control; safety procedures related to the practice of skin care; and Minnesota Statutes and rules which pertain to the regulation of the practice of skin care; student orientation; and elementary service skills. Elementary service skills must be limited to the observation of an instructor demonstration, or student-to-student application of basic services related to esthetics.
- C. There must be instruction in applied science and skills in the procedures of cosmetic care of the skin, applications of facials and makeup, and in waxing.
- D. There must be planned clinical instruction and experience of 200 hours in the applied sciences.
- (1) Each student must complete at least 60 facials, 40 makeup applications, and 20 face waxes and 20 body waxes with one-half of all waxes being hard waxes, and one-half of all waxes being soft waxes.
- (2) Documentation of the student's completion of the required facials, makeup applications, and waxing applications must be sent to the board with the documentation of successful completion of the entire course of training.
- E. There must be instruction in business practices and in the Minnesota laws regulating those practices and labor relations.

Statutory Authority: *MS s 45.023; 154.45; 154.47; 154.48; 155A.05; 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *11 SR 389; 13 SR 1056; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26; L 2015 c 77 art 2 s 87; 41 SR 305*

Published Electronically: *September 13, 2016*

2110.0530 NAIL TECHNICIAN TRAINING.

- A. Nail technician training consists of a course of training of at least 350 hours.
- B. The first 50 hours must be preclinical instruction in the theory of sciences of anatomy, dermatology, and chemistry as related to manicuring; electricity and lights; infection control; safety procedures related to the practice of manicuring; and Minnesota Statutes and rules which pertain to the practice of manicuring; and elementary service skills. Elementary service skills must be limited to the observation of an instructor demonstration, or student-to-student application of basic services related to nail services.
- C. There must be instruction on applied science and skills in the cleaning, conditioning, shaping, reinforcing, coloring, and enhancing of nails and in the application and repair of artificial nails.
- D. There must be planned clinical instruction and experience of 150 hours in applied sciences and skills.
- (1) Each student is required to complete at least 50 manicures, including at least ten applications of artificial nails, of which three are sculptured applications on the nail.

(2) The documentation of the student's completion of the required manicures must be sent to the board with documentation of successful completion of the course of training.

E. There must be instruction in business practices and in the Minnesota laws regulating those practices and labor relations.

Statutory Authority: *MS s 45.023; 154.45; 155A.05; 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *11 SR 389; 13 SR 1056; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26; L 2013 c 85 art 5 s 49; L 2015 c 77 art 2 s 87; 41 SR 305*

Published Electronically: *September 13, 2016*

2110.0540 [Repealed, 41 SR 305]

Published Electronically: *September 13, 2016*

2110.0545 SKILLS COURSES.

A. A board-approved cosmetologist skills course, esthetician skills course, and nail technician skills course must be offered in person.

B. Each skills course must begin with an initial board-approved skills test. The provider must use board-approved scoring of the skills test, and a board skills test form.

(1) Attendees who pass the skills test have completed the skills course. The provider must issue a signed and dated skills course certificate to the attendee.

(2) Attendees who do not pass the initial skills test must complete the provider's skills course curriculum for each skills test area not passed. The attendee has completed the skills course when the attendee passes the skills test.

C. Cosmetologists must attend a cosmetologist skills course taught by a cosmetology instructor, estheticians must attend an esthetician skills course taught by an esthetician or cosmetology instructor, and nail technicians must attend a skills course taught by a nail technician or cosmetology instructor.

D. Board approval is not required for a licensed cosmetology school to offer skills courses, but the cosmetology school may notify the board if offering the course. Providers who are not cosmetology schools must meet the requirements of part 2105.0187.

E. A provider of a skills course must provide attendees who have successfully completed the course with a skills course certificate showing successful completion of the skills test, and must retain records of attendees for five years from the date of the skill certificate.

Statutory Authority: *MS s 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *41 SR 305*

Published Electronically: *September 13, 2016*

2110.0550 CREDIT TOWARD ANOTHER LICENSE.

A licensed esthetician or nail technician who completed licensure training within the last five years may receive the following credit for that training toward another license:

- A. esthetician training = 550 hours credit toward cosmetologist license;
- B. nail technician training = 300 hours credit toward a cosmetologist license;
- C. nail technician training = 200 hours credit toward an esthetician license;
- D. esthetician training = 100 hours credit toward a nail technician license.

Statutory Authority: *MS s 154.45; 155A.05; 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *11 SR 389; 13 SR 1056; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26; L 2013 c 85 art 5 s 49; 41 SR 305*

Published Electronically: *September 13, 2016*

2110.0560 [Repealed, 41 SR 305]

Published Electronically: *September 13, 2016*

2110.0570 [Repealed, 41 SR 305]

Published Electronically: *September 13, 2016*

OPERATIONAL REQUIREMENTS FOR SCHOOLS

2110.0600 RESPONSIBILITY.

The owner and designated school manager (DSM) are responsible for the school at all times, even when not present at the school. The owner and DSM must ensure that the school, instructors, and students in the school are in compliance with all provisions of this chapter, chapter 2105, and Minnesota Statutes, chapter 155A.

Statutory Authority: *MS s 45.023; 154.45; 154.47; 154.48; 155A.05; 155A.08; 155A.09; 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *13 SR 1056; 22 SR 594; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26; 41 SR 305*

Published Electronically: *September 13, 2016*

2110.0610 SCHOOL IDENTIFICATION.

Each school must be identified as a school of cosmetology or beauty school to ensure that the public may distinguish it from a salon. Identification must consist of signs conspicuously placed on the front of the school and in the reception area of the school clinic. Each school must also have a sign conspicuously posted in its clinic reception area stating, "Cosmetology School. All work performed by students." in letters at least two and one-half inches in height.

Statutory Authority: *MS s 154.45; 155A.05; 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *13 SR 1056; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26; 41 SR 305*

Published Electronically: *September 13, 2016*

2110.0620 [Repealed, 41 SR 305]

Published Electronically: *September 13, 2016*

2110.0625 DESIGNATED SCHOOL MANAGER.

A. The school owner must appoint a designated school manager (DSM) and register with the board using forms supplied by the board. The DSM and the school owner are responsible for ensuring that the school, instructors, and students attending courses are in compliance with this chapter and Minnesota Statutes, chapter 155A.

B. A DSM must acknowledge the responsibility of the position in writing to the board.

C. A DSM must not be responsible for more than one school.

D. A school manager who is no longer serving as the DSM must notify the board in writing via e-mail or mail, and is liable under Minnesota Statutes, section 155A.33, for the compliance of the salon and licensees until the written notice is received by the board.

E. The DSM is not required to be present at all times during the school's operation, but remains responsible for compliance under this chapter and Minnesota Statutes, chapter 155A, even when not present at the school.

Statutory Authority: *MS s 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *41 SR 305*

Published Electronically: *September 13, 2016*

2110.0630 INSTRUCTORS.

A. There must be at least two licensed instructors on the school premises whenever students are present; and the school must maintain a minimum ratio of one instructor for each 1 to 20 students present each day. All students must be under the supervision of an instructor at all times when in a classroom or clinic and whenever the student is performing cosmetology services on the school's premises.

(1) A school may use unlicensed instructors who hold a salon manager license as substitutes for licensed instructors for no more than 30 full or partial calendar days in 12 consecutive months. Whenever an unlicensed substitute instructor is present, at least one licensed instructor must be on the school premises. When these conditions are met, the substitute instructor is considered an instructor for the instructor quota.

(2) The DSM must notify the board each day that an unlicensed substitute instructor is present by e-mailing the board with "substitute instructor" in the subject line. The e-mail must contain the substitute's name, the name of the absent instructor, the dates the substitute will be working, and the name and license number of the supervising instructor, and the number of days in the past 12 months that a substitute has been used.

(3) The DSM must e-mail the board by the end of the day each day the school fails to meet the required instructor quota, with "instructor quota failure" and the school name in the subject line. The e-mail must contain the names and license numbers of the absent instructors, and the names and license numbers of the instructors present.

B. If a school is not in compliance with item A, the board must notify the school that it will not accept hours accrued by students during the period of noncompliance. The school must notify the students in writing of the board's decision and provide the board a copy of the required notification to each student that the hours accumulated during the period of noncompliance will not be accepted by the board.

C. Instructors must devote the entire instructional time scheduled to training and must not have any additional noninstructional duties or responsibilities during class or clinical time.

D. Schools must maintain instructor payroll and time records showing hours worked each day for each pay period for three consecutive calendar years.

E. Esthetician instructors and nail instructors are restricted to instruction in the area of their practitioner license and may not instruct in other disciplines.

F. All instructors must wear identification badges at all times stating their name and "Instructor." These badges must be at least two inches by one inch.

Statutory Authority: *MS s 154.45; 155A.05; 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *11 SR 389; 13 SR 1056; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26; 41 SR 305*

Published Electronically: *September 13, 2016*

2110.0640 ENROLLMENT CONTRACTS.

The student or the student's parent or guardian must receive a fully executed copy of the contract at the time the contract is signed.

A. The contract must state the starting date of schooling and anticipated completion date.

B. The contract must include the class schedule of days and hours for the course.

The school and a student who has enrolled for additional training after failing the required state licensing tests, and transfer applicants must enter into a contract which specifies the precise nature of theory and clinical experience to be covered during the training course.

C. The contract must identify all conditions that must be met by the student before the school will issue a transcript of the curriculum and hours completed by the student.

Statutory Authority: *MS s 154.45; 155A.05; 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *11 SR 389; 13 SR 1056; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26; 41 SR 305*

Published Electronically: *September 13, 2016*

2110.0650 REFUND POLICY.

Subpart 1. **Written policy.** Each school must have a definite, written policy on the refund of tuition and fees when students terminate training. The policy must include the following:

A. a complete refund of all money paid if the school rejects the applicant, or if the applicant cancels the enrollment contract, in writing or in person, within three business days of the date the contract was signed by both the student and agent of the school and prior to entering classes. The enrollment contract must include a "Notice of Cancellation", that explains how to cancel the contract;

B. a refund of all money paid except a registration or enrollment processing fee up to 15 percent of the contract price if the applicant cancels the enrollment contract more than three business days after conclusion of the contract but prior to entering classes;

C. if a student has started classes, the school must not withhold more than the following maximum tuition withholding limits:

Percentage of Total Program Represented by the Hours of Training Completed	Maximum Amount of Total Tuition School Must Receive or Retain
0 to 4.9 percent	20 percent
5 to 9.9 percent	30 percent
10 to 14.9 percent	40 percent
15 to 24.9 percent	45 percent
25 to 49.9 percent	70 percent
Over 50 percent	100 percent

D. This part does not apply to schools governed by the Minnesota State Colleges and Universities (MnSCU).

Subp. 2. **Refund deductions.** Fees for the student kit, textbooks, and workbook may be deducted before application of the percentages in refund computations, if these fees are included in the tuition and if these items become the property of the student. This deduction must be clearly stated in the refund policy contained in the enrollment contract.

Statutory Authority: *MS s 154.45; 155A.05; 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *13 SR 1056; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26; 41 SR 305*

Published Electronically: *September 13, 2016*

2110.0660 STUDENT REGULATIONS.

Student regulations must be in writing and a copy given to all students. A copy and any changes must be readily available in the student lounge. All rule changes must be discussed with the student body at least ten days prior to the effective date and each student must be given a copy of any changes.

Statutory Authority: *MS s 154.45; 155A.05; 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *13 SR 1056; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26; 41 SR 305*

Published Electronically: *September 13, 2016*

2110.0670 STUDENT RECORDS.

Student records must be maintained as follows:

A. All records relating to students must be maintained and up-to-date, in a secure and orderly fashion and must be kept on the school premises. All student records must be legible and available for

inspection by a representative of the board during normal business hours of the school or provided to the board at the board's request.

B. The school must maintain complete, accurate, and detailed records of all payments from and financial transactions with students, showing the date, amount, and source of income or disbursement.

C. The school must maintain daily and monthly records of student hours, work progress, examination assessments, and daily clinical experience records for each student enrolled.

D. All student records must be maintained by the school, or a custodian if the school ceases operation, for at least five years from the date of the student's termination or completion of training. In addition, a transcript of the course work of each student must be kept, which must contain the student's name, the date student enrolled, the date of termination of enrollment and the circumstances of termination, the total number of hours completed, and the school owner's or designated school manager's (DSM's) notarized signature verifying the contents of the transcript. When requested by a student or former student, copies of the student records must be provided at the cost of duplication, unless the student has not met school requirements identified in the enrollment contract regarding tuition payments and transcripts.

E. The school must maintain the following reports for each student:

(1) a student registration form containing the student's full legal name, course of training for which enrolled, and start date. The status of the student must be stated as full-time or part-time, day or night classes;

(2) certification of completion of preclinical courses. Documentation signed by the school owner or DSM must indicate that the student has successfully completed the required hours of preclinical work. A student must not be allowed to perform any portion of a service in the school clinic on a client until this certification has been completed;

(3) a progress evaluation report. After a student has completed at least one-third of the total required hours and before one-half of the total required hours, the school must give the student a written progress evaluation assessing the student's progress towards successful fulfillment of the license requirements;

(4) certification of readiness to take the written examination. Documentation signed by the school owner or DSM must indicate that the student has successfully completed 1,350, 500, and 315 hours, for cosmetologist, esthetician, and nail technician respectively, of preclinical and clinical training, and is prepared to take the written state licensing examinations;

(5) documentation signed by the school owner or DSM must indicate that the student has successfully completed the course of training, including documentation of the student's completion of the practical exercises, as required by parts 2110.0510, item D, 2110.0520, item D, subitem (1), and 2110.0530, item D, subitem (1), and documentation of the student's successful completion of the skills certification review, on a form acceptable to the board; and

(6) a certification must be written and maintained by the school if a student withdraws, is suspended, or expelled from the student's course of training. The certification must be signed by the school owner or DSM, and must indicate the last day on which the student was enrolled, the total number of hours the student has successfully completed as of that date, a transcript detailing the nature of those hours, and the reason for the withdrawal, suspension, or revocation. A copy of a student's termination certification and/or completion of course of training certification must be provided to the student within

ten days of the termination from or completion of the cosmetology training, unless the student has not met school requirements identified in the enrollment contract regarding tuition payments and transcripts.

Statutory Authority: *MS s 45.023; 154.45; 154.47; 154.48; 155A.05; 155A.08; 155A.09; 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *11 SR 389; 13 SR 1056; 22 SR 594; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26; L 2013 c 85 art 5 s 49; 41 SR 305*

Published Electronically: *September 13, 2016*

2110.0680 CERTIFICATION OF STUDENT HOURS.

A. All student hours must be recorded, on a daily and a monthly basis, and accurately identify the actual attendance hours and lunch breaks.

B. Accrued student hours are valid for a maximum of five years. A school may establish an earlier expiration date if included in the school enrollment agreement.

C. The daily record of hours must list the number of hours earned by each student and the nature of training received, designating all clinical experiences; must be signed or confirmed by the instructor who provided or supervised the training; and must be signed or confirmed by the student.

D. The school must complete and maintain a monthly report for each student, summarizing the hours completed for that month, and signed by the school owner or designated school manager (DSM). A copy of the report must be given to the student within five days of the end of each month. Corrections of any errors must be signed by the DSM and student.

E. Except as provided in part 2110.0500, students must receive credit only for hours spent in training for licensed cosmetology services.

F. Students must not receive credit for more than ten hours of training per calendar day.

G. Each student must be given a morning and afternoon break and at least one-half hour for lunch, or one hour for lunch and no breaks.

Statutory Authority: *MS s 14.388; 154.22; 154.24; 154.45; 155A.05; 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *13 SR 1056; L 2005 c 27 s 9; 30 SR 1248; L 2009 c 78 art 6 s 26; 38 SR 778; 41 SR 305*

Published Electronically: *September 13, 2016*

2110.0690 STUDENT DEADLINE TO BECOME LICENSED.

A student must be licensed within five years from the date of successful completion of the required training. A student who does not meet this requirement is required to complete a skills course and meet all other requirements for licensure.

Statutory Authority: *MS s 154.45; 155A.05; 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *11 SR 389; 13 SR 1056; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26; 41 SR 305*

Published Electronically: *September 13, 2016*

2110.0700 [Repealed, 41 SR 305]

Published Electronically: *September 13, 2016*

2110.0705 TRANSFER STUDENTS.

Subpart 1. **Transfers from another school or state.** Students who have completed a portion of required training at another school or in another state or country may apply as a transfer student to a cosmetology school to complete the required training. The school must include in the student's records documentation of any transfer of credits, and copies of student transcripts and records from the original school. Any records from another country, including records in English, must be evaluated by a board-approved credentialing agency at the student's or school's expense.

Subp. 2. **Practitioners from other countries applying as a transfer student for an evaluation.** Individuals who have practiced cosmetology in other countries and who are seeking licensure must obtain a course completion certificate by a licensed cosmetology school as a requirement to become licensed. The applicant may apply as a transfer student and request an evaluation to identify any further training necessary to obtain the course completion certificate.

A. The method of evaluation must include a review of the student's records, training, and work experience, and must include a skills test. Any records from another country, including records in English, must be evaluated by a board-approved credentialing agency at the student's or school's expense.

B. The evaluation results must identify any specific additional training necessary for the issuance of the course completion certificate, based on the training requirements identified in this chapter for cosmetologists, estheticians, and nail technicians and the school's assessment of the student's training and experience.

C. The school must maintain in the student's record the evidence and documentation of the school's evaluation, including the method of evaluation, the dates and location of the student's original training, any testing results, copies of any transcripts or diplomas used in the evaluation, and an explanation of the typical training or apprenticeship required in the country where the student previously practiced.

Statutory Authority: *MS s 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *41 SR 305*

Published Electronically: *September 13, 2016*

2110.0710 FULL COURSE OF INSTRUCTION.

No student shall be enrolled in a school for less than a full course of instruction of not less than 1,550 hours for cosmetologist, 600 hours for esthetician, or 350 hours for a nail technician, except that a licensed individual or a previously licensed individual requesting a refresher course, an applicant who has failed the state examination and requests additional training, a transfer student, a student who has enrolled only to learn unregulated services, and reciprocity applicants who require additional schooling may be enrolled for these purposes.

Statutory Authority: *MS s 154.45; 155A.05; 155A.26*

History: *11 SR 389; 13 SR 1056; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26; L 2013 c 85 art 5 s 49*

Published Electronically: *July 23, 2013*

2110.0720 DISPLAY OF LICENSES.

Current licenses of all instructors, the designated school manager, and the school must be conspicuously posted in the reception area.

Statutory Authority: *MS s 154.45; 155A.05; 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *11 SR 389; 13 SR 1056; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26; 41 SR 305*

Published Electronically: *September 13, 2016*

2110.0730 PREENROLLMENT DISCLOSURES.

The following information must be given to prospective students along with any materials designed to solicit their enrollment: minimum requirements for licensing in the fields in which the school offers instruction, tuition and all fees, the enrollment contract, refund policy, and student regulations. Prior to enrollment, written materials regarding refund policies must be discussed with and acknowledged as being understood by anyone enrolling in a cosmetology school. All written materials used to solicit prospective students must comply with part 2110.0110. Copies of all solicitation materials must be retained by the school for a period of five years from the last date of use.

Statutory Authority: *MS s 45.023; 154.45; 154.47; 154.48; 155A.05; 155A.08; 155A.09; 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *11 SR 389; 13 SR 1056; 22 SR 594; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26; 41 SR 305*

Published Electronically: *September 13, 2016*

2110.0740 SCHOOL CLINICS.

A. Students and instructors must comply with all infection control requirements in part 2105.0375 and with salon prohibitions in part 2105.0377. Instructors are responsible for ensuring that all students comply with the infection control requirements in part 2105.0375.

B. A new school must not offer clinical services until the minimum preclinical hours required for students has been met.

C. A school must not operate a student clinic at any location other than the school.

D. A sign stating, "All services performed by students," in type at least 2-1/2 inches in height must be conspicuously displayed in each reception area of the school and in each clinic.

E. Instructors must not perform services on any client in the school clinic except to the extent necessary to demonstrate or instruct students. The student must be physically present, observing the instruction or demonstration and must participate in the learning experience by actual performance of the complete service.

F. Students must not perform clinic services until the required hours of preclinical training have been completed.

G. All services performed by students must be supervised by instructors and checked before, during, and after performance.

H. All students are required to wear an identification badge at all times. The badges must be at least two inches by one inch; state the student's name; and state that the student is either a "Cosmetologist

Student," "Esthetician Student," or "Nail Technician Student." Badges must be furnished by the school as part of tuition costs.

I. Each student and each instructor must wash hands with soap and hot water before providing or demonstrating any service on a student, mannequin, or client. An alcohol-based hand rub with a minimum of 60 percent alcohol may be used in lieu of hand washing only when the hands are free of lotions, ointments, product, and visible soil. Gloves and hand wipes are not an acceptable substitute for hand washing.

J. A school may charge clients for services performed by students. These prices must be conspicuously posted in the clinic reception area.

Statutory Authority: *MS s 14.388; 45.023; 154.45; 155A.05; 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *11 SR 389; 13 SR 1056; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26; L 2013 c 85 art 5 s 49; 38 SR 778; 41 SR 305*

Published Electronically: *September 13, 2016*

2110.0750 PENALTIES.

The board may take action as authorized under Minnesota Statutes, chapter 155A, against any licensee who has violated any law, rule, or order entrusted to the board.

Statutory Authority: *MS s 45.023; 154.45; 154.47; 154.48; 155A.05; 155A.08; 155A.09; 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *22 SR 594; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26; 41 SR 305*

Published Electronically: *September 13, 2016*

WAIVERS

2110.0820 REQUEST FOR WAIVER.

A written request for waiver of specific rule requirements may be granted by the board in cases of hardship or medical necessity.

Statutory Authority: *MS s 154.45; 155A.05; 155A.26*

History: *11 SR 389; 13 SR 1056; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26*

Published Electronically: *August 20, 2009*